

	MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE CENTERS POLICY & PROCEDURE MANUAL	ISSUED 3/91	REVISED 1/16	CHAPTER 1	SECTION 1.5
CHAPTER Chapter 1. Introduction		SUBJECT Definitions			

“Administrative costs” means costs incurred by an institution related to planning, organizing, and managing a food service under the Program, and allowed by the State agency financial management instruction. These administrative costs may include administrative expenses associated with outreach and recruitment.

“Administrative review” means the fair hearing that is provided upon request to; a) an institution that has been given notice by the State agency of any action or proposed action that will affect their participation or reimbursement under the Program, in accordance with 226.6(k); b) a principal or individual responsible for an institution’s serious deficiency after the responsible principal or responsible individual has been given notice of intent to disqualify them from the Program; and, c) a child care home that has been given notice of proposed termination for cause.

“Administrative review official” means the independent and impartial official who conducts the administrative review held in accordance with 226.6(k).

“Adult care center” means any public or private non-profit organization or any for-profit center which is licensed or approved by federal, state, or local authorities to provide nonresidential adult care services to functionally impaired adults or persons 60 years of age or older in a group setting outside their home on a less than 24 hour basis and provides for such care and services directly or under arrangements made by the agency or organization whereby the agency or organization maintains professional management responsibility for all such services. Such centers shall provide a structured, comprehensive program that provides a variety of health, social and related support services to enrolled adult participants through an individual plan of care.

“Adult care facility” means a licensed adult day care center under the jurisdiction of a sponsoring organization.

“Adult participant” means a person enrolled in an adult day care center who is functionally impaired (see definition) or is 60 years of age or older.

“Adult day care program” means a group program designed to provide care and supervision to meet the needs of five (5) or more functionally impaired adults for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adult’s own home.

“At-Risk after school program” means a program that provides educational or enrichment activities in an organized, structured, and supervised environment for school-age children after normal school hours.

“Child care center” means any public or private nonprofit organization or facility (except day care homes), or any for-profit center, as defined in this section that is licensed to provide nonresidential child care services to enrolled children, primarily of preschool age, including but not limited to child care centers, settlement houses, neighborhood centers, Head Start centers and organizations providing child care services

for children with disabilities. Child care centers may participate in the Program as independent centers or under the auspices of a sponsoring organization.

“Child care facility” means a licensed child care center, child care home, or outside-school-hours care center under the auspices of a sponsoring organization.

“Children” means (a) persons 12 years of age and under, (b) children of migrant workers 15 years of age and under, and (c) mentally or physically disabled persons, as defined by the State, enrolled in an institution or a child care facility serving a majority of persons 18 years of age and under.

“Claim Irregularities” (formerly known as “Block Claiming”) means a claim for reimbursement submitted by a facility in which the number of meals claimed for one or more meal type (breakfast, lunch, snack, or supper) is identical for 15 consecutive days within a claiming period.

“Congregate meals” means meals consumed in a group setting.

“Current income” means income received during the month prior to application for free or reduced-price meals. If such income does not accurately reflect the household’s annual income, income shall be based on the projected annual household income. If the prior year’s income provides an accurate reflection of the household’s current annual income, the prior year may be used as a basis for the projected annual income.

“Department” means the U.S. Department of Agriculture.

“Day care home or child care home” means an organized nonresidential child care program for children enrolled in a private home licensed or approved as a family or group child care home under the auspices of a sponsoring organization. Child care must be conducted in a private residence.

“Disabled person” is defined as any person who has “a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. (FNS Instruction 783-2, exhibit A, 7CFR 15b.3)

“Disqualified” means the status of an institution, a responsible principal or responsible individual, or a child care home that is ineligible for participation.

“Enrolled child” means a child whose parent or guardian has submitted to a child care center/facility a signed document which indicates that the child is enrolled for child care; who is present in the child care center for the purpose of child care; and who has eaten at least one meal during the claiming period.

“Facility” means a sponsored center or a family child care home.

“Family” means a group of related or non-related individuals, who are not residents of an institution or boarding house, but who are living as one economic unit, sharing housing and all significant income.

“Federal Fiscal year” means a period of 12 calendar months beginning October 1 of any year and ending with September 30 of the following year.

“Federal Regulations” The Child and Adult Care Food Program is governed by the rules and regulations as defined in Code of Federal Regulations (CFR) Title 7, Volume 4, Chapter II, Part 226, (7CFR 226) effective September 1, 2004.

“Food Service Management Company (FSMC)” means an organization other than a public or private non-profit school with which an institution may contract for preparing and, unless otherwise provided for, delivering meals, with or without milk, for use in the Program.

“Food Stamp Household” see definition for Supplemental Nutrition Assistance Program (SNAP).

“For-Profit Center” means a child care center, Outside-school-hours care center, or Adult day care center providing nonresidential care to adults or children that does not qualify for tax-exempt status under the Internal Revenue Code of 1986. For-profit centers serving adults must meet the criteria described in paragraph (a) of this definition; children must meet the criteria described in paragraphs (b)(1) or (b)(2) of this definition.

- (a) A for-profit center serving adults must meet the definition of Adult day care center as defined above and during the calendar month preceding initial application or reapplication, the center receives compensation from amounts granted to the State under title XIX or title XX and twenty-five percent of the adults enrolled in care are beneficiaries of title XIX and XX of the Social Security Act.
- (b) A for-profit center serving children must meet the definition of Child care center or Outside-school-hours care center and one of the following conditions during the calendar month preceding initial application or reapplication: (1) Twenty-five percent of the children in care (enrolled or licensed capacity, whichever is less) are eligible for free or reduced-price meals; or (2) Twenty-five percent of the children in care (enrolled or licensed capacity, whichever is less) receives compensation from amounts granted to the States under title XX.

“Free Meal” means a meal served under the Program to a child from a family which meets the income standards for free school meals and for which neither the child nor any member of his family pays or is required to work in the food service program.

“Functionally Impaired Adult” means chronically impaired disabled persons 18 years of age or older, including victims of Alzheimer’s disease and related disorders with neurological and organic brain dysfunction, who are physically or mentally impaired to the extent that their capability for independence and their ability to carry out activities of daily living is markedly limited. Activities of daily living include, but are not limited to, adaptive activities such as cleaning, shopping, cooking, taking public transportation, maintaining a residence, caring appropriately for one’s grooming or hygiene, using telephones and directories, or using a post office. Marked limitation refers to the severity of impairment, and not the number of limited activities, and occur when the degree of limitation is such as to seriously interfere with the ability to function independently.

“Household” means “family” as defined under the definition of family.

“Income Standards” means the family-size and income standards prescribed annually for determining eligibility for free and reduced-price meals under the National School Lunch Program and the School Breakfast Program.

“Income to the Program” means any funds used in an institution’s food service program, including, but not limited to all monies, other than Program payments, received from other Federal, State, intermediate, or local government sources; payment for children’s meals and food service fees; income from any food sales to adults; and other income, including grants from organizations or cash donations from individuals.

“Independent Center” means a child care center or outside-school-hours center which enters into an agreement with the State agency to assume final administrative and financial responsibility for Program operations.

“Infant Cereal” means any iron-fortified dry cereal specially formulated for and generally recognized as cereal for infants that is routinely mixed with iron fortified formula or breast milk prior to consumption. Infant cereals must be fortified to the level of 45% of the Daily Value for iron as indicated by the manufacturer’s nutrition label.

“Infant Formula” means any iron-fortified infant formula, intended for dietary use as a source of food for normal, healthy infants served in liquid state at manufacturer’s recommended dilution.

“Institution” means a sponsoring organization, independent child care center, outside-school-hours care center, homeless or emergency shelter, or adult day care center which enters into an agreement with the State agency to assume final administrative and financial responsibility for Program operations.

“Internal Controls” means the policies, procedures, and organizational structure of an institution designed to reasonably assure that (a) the Program achieves its intended result; (b) Program resources are used in a manner that protects against fraud, abuse, and mismanagement and in accordance with law, regulations, and guidance; and (c) timely and reliable Program information is obtained, maintained, reported, and used for decision making.

“Meals” means food which is served as snacks, breakfast, lunch or supper to enrolled children at an institution or child care facility and which meets the nutritional requirements of the Program.

“Medicaid Participant” means an adult participant who receives assistance under Title XIX of the Social Security Act, the Grant to States for Medical Assistance Programs – Medicaid.

“Milk” means pasteurized fluid types of unflavored or flavored whole milk, low fat milk, skim milk, or cultured buttermilk which meet State and local standards for such milk. All milk should contain vitamins A and D at levels specified by the Food and Drug Administration and is consistent with State and local standards for such milk.

“National Disqualified List” means the list, maintained by the USDA, of institutions, responsible principals and responsible individuals, and family child care homes disqualified from participation in the Program.

“New Institution” means an institution applying to participate in the Program for the first time, or an institution applying to participate in the Program after a lapse in participation.

“Non-Pricing Program” means an institution in which there is no separate identifiable charge made for meals served to enrolled children.

“Non-Profit Food Service” means all food service operations conducted by the institution principally for the benefit of enrolled children, for which all of the Program reimbursement funds are used solely for operation or improvement of such food service.

“Nonresidential” means that the same children are not maintained in care for more than 24 hours on a regular basis.

“Notice” means a letter sent by certified mail, return receipt (or the equivalent private delivery service), by facsimile, or by email, that describes an action proposed or taken by a State agency or FNS with regard to an institution’s Program reimbursement or participation. Notice also means a letter sent by certified mail, return receipt (or the equivalent private delivery service), by facsimile, or by email, that describes an action proposed or taken by a sponsoring organization with regard to a day care home’s participation. The notice must specify the action being proposed or taken and the basis for the action, and is considered to be received by the institution or day care home when it is delivered, sent by facsimile, or sent by email. If the notice is undeliverable, it is considered to be received by the institution, responsible principal or responsible individual, or day care home five days after being sent to the addressee’s last known mailing address, facsimile number, or email address.

“Operating Costs” means expenses incurred by an institution in serving meals to children under the Program, and allowed by the State agency financial management instruction.

“Outside-School-Hours Care Center” means a public or private nonprofit institution or facility (except day care homes), or a For-profit center as defined in these definitions, licensed or approved to provide organized nonresidential child care services to enrolled children during hours outside of school. Outside-school-hours care centers may participate in the Program as independent centers or under the auspices of a sponsoring organization.

“Overlap” means the number of children in care may exceed the licensed capacity of the facility at the time of overlap. The number in care shall never be more than one-third over the licensed capacity of the facility. The overlap period(s) shall not exceed two hours total in any twenty-four hour child care day. The two hours of available overlap time may be utilized in smaller time periods. ***Overlap is approved by the Section for Child Care Regulation***

“Participant” means “Children” as defined in this section.

“Pricing program” means an institution in which a separate identifiable charge is made for meals served to enrolled participants.

“Principal” means any individual who holds a management position within, or is an officer of, an institution or sponsored center, including all members of the institution’s board of directors or the sponsored center’s board of directors.

“Program” means the Child and Adult Care Food Program (CACFP) authorized by Section 17 of the National School Lunch Act (NSLA), as amended.

“Program payments” means financial assistance in the form of reimbursement paid or payable to institutions for operating costs and administrative costs.

“Reduced-price meal” means a meal served under the Program to a child from a family which meets the income standards for reduced-price school meals. Any separate charge imposed shall be less than the full price of the meal, but in no case more than 40 cents for a lunch or supper, 30 cents for a breakfast, and 15 cents for a supplement, and for which neither the child nor any member of his family is required to work in the food service program.

“Reimbursement” means Federal financial assistance paid or payable to institutions for Program costs within the rates assigned by the State agency.

“Renewing Institution” means an institution that is participating in the Program at the time that it submits a renewal application.

“Responsible Principal or Responsible Individual” means a) a principal, whether compensated or uncompensated, who the State agency or FNS determines to be responsible for an institution’s serious deficiency; b) any other individual employed by, or under contract with, an institution or sponsored center, who the State agency or FNS determines is responsible for an institution’s serious deficiency; or, c) an uncompensated individual who the State agency or FNS determines to be responsible for an institution’s serious deficiency.

“School year” means a period of 12 calendar months beginning July 1 of any year and ending June 30 of the following year.

“Seriously deficient” means the status of an institution or a day care home that has been determined to be non-compliant in one or more aspects of its operation of the Program.

“Shift care” is the term used to describe caring for children during different time periods during the day. For example, a center that cares for 10 children between 7:30-2:30 and a different group of children from 2:30-5:00 after the first group goes home is providing shift care. Shift care is not overlap.

“Sponsoring organization” means a public or nonprofit private organization which is entirely responsible for the administration of CACFP in (a) one or more family child care homes; (b) two or more child care centers or outside-school-hours care centers which are a legally distinct entity from the sponsoring organization; (c) two or more child care centers or outside-school-hours centers; or (d) any combination of child care centers, child care homes and outside-school-hours care centers. The term “sponsoring organization” also includes a for-profit center/organization that is entirely responsible for administration of the Program in any combination of two or more centers and outside-school-hours care centers provided that the centers are part of the same legal entity as the sponsoring organization.

“State Agency” means the Missouri Department of Health and Senior Services –Bureau of Community Food and Nutrition Assistance (CFNA) that has been designated by the Governor or other appropriate executive, or by the legislative authority of the State, and has been approved by the Department to administer the Program within the State or in states in which USDA-FNS administers the Program.

“State Agency List” means an actual paper or electronic list or the retrievable paper records, maintained by the State agency, that include a synopsis of information concerning seriously deficient institutions and providers terminated for cause in the State. The list must be made available to FNS upon request, and must include the following information: a) institutions determined to be seriously deficient by the State agency, including the names and mailing addresses of the institutions, the basis for each serious deficiency determination, and the status of the institutions as they move through the possible subsequent stages of corrective action, proposed termination, suspension, agreement termination, and/or disqualification, as applicable; b) responsible principals and responsible individuals who have been disqualified from participation by the State agency, including their names, mailing addresses and dates of birth; and, c) child care home providers whose agreements have been terminated for cause by a sponsoring organization in the State, including their names, mailing addresses, and dates of birth.

“Supplemental Nutrition Assistance Program (SNAP) Household” means any individual or group of individuals who are currently certified to receive assistance as a household under the SNAP formerly known as the Food Stamp Program.

“Suspended” means the status of an institution or day care home that is temporarily ineligible for participation (including Program payments).

“Suspension Review” means the review provided, upon the institution’s request, to an institution that has been given a notice of intent to suspend participation (including Program payments), based on a determination that the institution has knowingly submitted a false or fraudulent claim.

“Suspension Review Official” means the independent and impartial official who conducts the suspension review.

“TANF Recipient” means an individual or household receiving assistance (as defined in 45 CFR 260.31) under a State-administered Temporary Assistance to Needy Families program.

“Title XX Center” means any private, for-profit child care center: (a) providing nonresidential day care services for which it receives compensation from amounts granted to the State under Title XX of the Social Security Act and (b) in which Title XX beneficiaries were at least 25% enrolled children or 25% of the licensed capacity, whichever is less, during any month for which reimbursement is claimed.

“Unannounced review” means an on-site review for which no prior notification is given to the facility or institution.

“Unaffiliated Sponsoring Organization” means a sponsor is not legally the same entity and does not own and operate the centers and/or sites it oversees. It only takes one unaffiliated center to make the sponsoring organization unaffiliated.

“Verification” means a review of the information reported by institutions to the State agency regarding the eligibility of participants for free or reduced-price meals, and, in addition, for a pricing program, confirmation of eligibility for free or reduced-price benefits under the program.

“Yogurt” means commercially coagulated milk products obtained by the fermentation of specific bacteria, that meet milk fat or milk solid requirements to which flavoring foods or ingredients may be added. These products are covered by the Food and Drug Administration’s Standard of Identity for yogurt, low-fat yogurt, and nonfat yogurt.

Reference: 7CFR226.2, 7CFR226.2 (July 27, 2005) Revision, FNS Instruction 783-2, exhibit A, 7CFR 15b.3